

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MONIR A. GEORGE,	§
	§
Defendant Below,	§ No. 314, 2020
Appellant,	§
	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID No. 0805035299 (N)
Plaintiff Below,	§
Appellee.	§
	§

Submitted: November 13, 2020

Decided: December 23, 2020

Before **VAUGHN, TRAYNOR**, and **MONTGOMERY-REEVES**, Justices.

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the Superior Court record, we conclude that the Superior Court did not abuse its discretion when it adopted a Superior Court Commissioner’s report and recommendation and summarily dismissed the appellant’s third motion for postconviction relief under Superior Court Rule 61. The appellant, Monir A. George, has not pleaded with particularity new evidence of actual innocence or that a new, retroactively applicable rule of constitutional law renders his conviction

invalid.¹ And, contrary to George's argument on appeal, there is no longer a miscarriage of justice exception to the procedural bars of Rule 61.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED, and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

¹ Del. Super. Ct. Crim. R. 61(d)(2).